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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/824,349	04/15/2004	Kiyoshi Tokishige	1248-0715PUS1	6336

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EXAMINER

WALSH, RYAN D

ART UNIT	PAPER NUMBER
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2852

NOTIFICATION DATE	DELIVERY MODE
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06/27/2007

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

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Advisory Action
Before the Filing of an Appeal Brief

Application No.

10/824,349

Applicant(s)

TOKISHIGE ET AL.

Examiner

Ryan D. Walsh

Art Unit

2852

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 06 June 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: 9, 13, 17, 18 and 20-27
Claim(s) objected to: 2 and 3
Claim(s) rejected: 17, 10, 11 and 14
Claim(s) withdrawn from consideration: 4-6, 12, 15, 16, 19 and 23

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

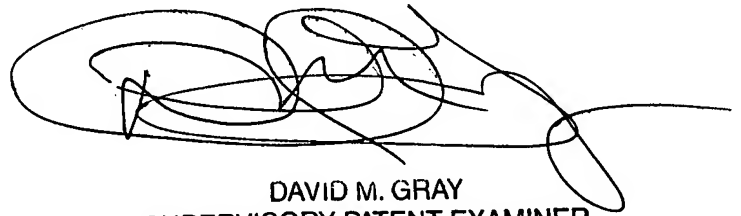
REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.

Continuation of 11. does NOT place the application in condition for allowance because: The applicant makes two points:

1. "The examiner is incorrect. Electrical guard 12 and side wall 38 are not entirely detached from the pc 10 (as the first device) at a location at which electrical guard 12 and side wall 38 serve as a cover for PCMCIA card 30 since side wall 38 is attached to side edges 44 that are held attached to PC 10, via locking projections 49 engagin detents 42 formed on side edges 44, at the location at which electrical guard 12 and side wall 38 serve as a cover for PCMCIA card 30.
and
2. "The side wall 38 is attached to side edges 44, and are a singe unit (electrical connector guard 12)...Thus it is improper to the Examiner to construe side wall 38 as being separate from attached side edges 44 in order to provide an interpretation of Cavello that will meet the terms of claim 1."

Regarding point 2, the examiner agrees with applicant that side wall 38 and side edges 44 are formed as a single unit. The Office Action dated April 6, 2007 explained the Examiners position in the rejecton of claim 1. However, regarding point 1, the examiner disagrees. Locking projections 46 engage detents 42 as shown in Figure 2A of Cavello. As explained in Col. 6, Ln. 57 - Col. 7, Ln. 11, and shown in Fig. 2A, the detents 42 are placed along various positions of the side edges 44 to enable the user to place the guard 12 at different positions. Nowhere in Cavello does it say the guard 12 can not be ENTIRELY DETACHED as alleged by the applicant. As shown by the reference, and specifically in Figures 2-4, the guard 12 can be ENTIRELY DETACHED if the user moves the guard out of the guard pocket 34.



DAVID M. GRAY
SUPERVISORY PATENT EXAMINER